

### **REMARKS**

Applicant respectfully requests reconsideration of this application in view of the following remarks. This response is believed to fully address all issues raised in the outstanding Office Action mailed October 4, 2004. Furthermore, no new matter is believed to have been introduced hereby.

Claims 1, 4, 13, 18, 21, 23, 24, 27-32, and 35 have been amended as detailed above. Claims 36-52 have been added. Accordingly, claims 1-52 remain pending.

#### **Formal Matters**

The outstanding Office Action indicates in paragraph 8 of page 4 that claims 4-12, 18-20, 23-26, 28-30, and 34-35 would be allowable "if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action." The undersigned has carefully reviewed the outstanding Office Action and has been unable to find any rejections under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth therein. Accordingly, Applicant is assuming that the quoted section is merely a typographical error and such rejections are moot. However, if a second Office Action is to be mailed in the present case, Applicant hereby respectfully requests a formal withdrawal of the foregoing rejection under 35 U.S.C. §112 or specific support for such rejections.

Also, the outstanding Office Action rejects claims 2-3, 14-15, 17, 22, 31, and 33 without reciting any support therefor. Pursuant to M.P.E.P. §706, it is respectfully requested that the Office clearly articulate any rejection so that

the Applicant has the opportunity to provide evidence of patentability and otherwise reply completely. The Office is additionally reminded of the requirements of M.P.E.P. §2131 that states a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). Accordingly, it is respectfully submitted that the rejection of claims 2-3, 14-15, 17, 22, 31, and 33 is moot. However, if a second Office Action is to be mailed in the present case, Applicant respectfully requests a formal withdrawal of these rejections or specific support for such rejections.

#### **Allowable Subject Matter**

Claims 4-12, 18-20, 23-26, 28-30, and 34-35 are indicated to be allowable if rewritten to include all of the recitations of the base claim and any intervening claims.

#### **Outstanding Rejections**

Claims 1, 2, 13-15, 17, 21, 22, 27, and 31-33 stand rejected under 35 U.S.C. §102(b) over U.S. Patent No. 3,831,931 to Tsukamoto (hereinafter "the '931 patent"). Claims 1-3, 13-15, 17, 21, 22, 27, and 32-33 stand rejected under 35 U.S.C. §102(b) over U.S. Patent No. 6,182,963 to Yergenson (hereinafter "the '963 patent"). Claim 16 stands rejected under 35 U.S.C. §103(a) over the '931 patent in view of U.S. Patent No. 6,231,176 to Peter (hereinafter "the '176 patent"). Claim 16 also stands rejected under 35 U.S.C. §103(a) over the '963

patent in view of the '176 patent. Each of these rejections is fully addressed below.

#### *CLAIMS 1-37*

Without limiting the scope of the invention, to make typographical changes and in an effort to impart precision to the claims (e.g., by more particularly pointing out various embodiments, rather than to avoid prior art), independent claims 1, 13, 21, 27, and 32 has been amended as detailed above. Additionally, as detailed above, claims 4, 18, 21, 23, 24, 27-31, and 35 have been amended to make typographical changes.

As amended, claims 1, 13, 21, 27, and 32 in part recite biasing structure or device that is "operably received within an opening." It is respectfully submitted that none of the cited references appear to teach and disclose the claimed combination of features such as set forth in the amended claims 1, 13, 21, 27, and 32. Also, the outstanding Office Action does not suggest otherwise. In fact, the outstanding Office Action indicates that at least a portion of a similar recitation (such as the language previously recited by claim 4) would be allowable. Accordingly, claims 1, 13, 21, 27, and 32 are in condition for allowance.

Claims 2-12, 14-20, 22-26, 28-31, and 33-37 depend from claims 1, 13, 21, 27, and 32, respectively. Accordingly, claims 2-12, 14-20, 22-26, 28-31, and 33-37 should be allowable for at least similar reasons as their respective

independent claims, as well as additional or alternative elements that are recited therein but not shown in the cited prior art.

***CLAIMS 38-52***

The outstanding Office Action indicates that the previous claims 28-30 and 34-35 would be allowable if rewritten to include all of the recitations of the base claim and any intervening claims. The new independent claims 38, 42, 46, and 50 correspond to the previous claims 28, 29, 30, and 34 which were indicated as allowable. Accordingly, claims 38, 42, 46, and 50 are in condition for allowance.

Also, claims 39-41, 43-45, 47-49, and 51-52 depend from claims 38, 42, 46, and 50, respectively. Accordingly, claims 39-41, 43-45, 47-49, and 51-52 should be allowable for at least similar reasons as their respective independent claims, as well as additional or alternative elements that are recited therein but not shown in the cited prior art.

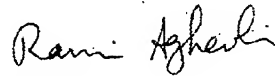
### Conclusion

Reconsideration and allowance of all claims is respectfully requested.  
The Examiner is urged to telephone the undersigned if that would expedite prosecution of the application.

Respectfully Submitted,  
Zhang et al.  
By His Representatives,  
Caven & Aghevli LLC

Dated: November 30, 2004

By: \_\_\_\_\_



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